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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/510,913	02/23/2000	Robert Lane Cook	25791.02	3719

62519 7590 11/24/2006  
HAYNES AND BOONE, LLP  
901 MAIN STREET  
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DALLAS, TX 75202-3789

EXAMINER

BOMAR, THOMAS S

ART UNIT PAPER NUMBER

3672

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/510,913

Applicant(s)

COOK ET AL.

Examiner

Shane Bomar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,4,6,8,12-17 and 19-65 is/are pending in the application.
- 4a) Of the above claim(s) 57-65 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,8,16,17,28-44 and 46-56 is/are allowed.
- 6) ☒ Claim(s) 4,6,12,26,27 and 45 is/are rejected.
- 7) ☒ Claim(s) 13-15 and 19-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 57-65 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: these claims attempt to claim a new species directed to pipeline members coupled to one another in overlapping relationships. However, it is notoriously known that pipelines are installed above ground and are in a separate art area from casings or other tubular members that are installed below ground in boreholes.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 57-65 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Objections***

2. Claims 2, 4, 34-37, 42-44, and 46 are objected to because of the following informalities: the preamble and the body of the claims do not correspond because each preamble states that the claim is a wellbore casing, although a casing is not mentioned anywhere in the body of the claims, nor has the tubular member that is in each body been defined as being part of the casing. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 4, 12, and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,337,823 to Nobileau.

It must first be acknowledged that the amendment to claim 12 led the Examiner to find this reference, wherein it was then realized that the reference anticipated certain other claims that had previously been indicated as allowable over the cited prior art. Therefore, the allowability of some of the following claims has been respectfully withdrawn.

Regarding claims 4 and 12, Nobileau discloses a wellbore casing comprising a first tubular member 3 having a first inside diameter (see Fig. 5); and a second tubular member 3a having a second inside diameter equal to the first inside diameter coupled to the first tubular member in an overlapping relationship (see the upper 3a in Fig. 5); wherein the first and second tubular members are coupled by the process of deforming a portion of the second tubular member into contact with a portion of the first tubular member; wherein, prior to the deformation, the inside diameters of the first and second tubular members are not equal (see Fig. 4); wherein, prior to the deformation, the inside diameters of the first and second tubular members are substantially constant, and wherein a portion of the first tubular member overlaps with a portion of the second tubular member (although the first tubular member is folded prior to expansion, the inside diameter is still constant along the length of the folded member); wherein the portion of the first tubular member that overlaps with the portion of the second tubular member comprises a thin walled portion 3b; and wherein the portion of the first tubular member that does not overlap with the portion of the second tubular member comprises a thick walled portion 3a (the lower 3a in Fig. 5), and wherein the thin wall section is not threaded (see also col. 4, lines 36-43 and col. 10, lines 55-66).

Regarding claim 45, the cross sections of the first and second tubular members are substantially circular after expansion (see Fig. 5).

***Claim Rejections - 35 USC § 103***

5. Claims 6, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,501,330 to Garcia in view of US 3,193,005 to Hunter et al.

Garcia teaches an apparatus comprising a solid wellbore casing 7b that has an external seal 7d (shared by both tubulars), the solid wellbore casing is coupled to a perforated wellbore casing 6 at 7c, wherein a portion of the solid wellbore casing overlaps a portion of the perforated wellbore casing so that the inside diameters of the non-overlapping portions are equal, and further wherein the wellbore casings have unthreaded thin-walled portions at least in the areas that overlap, and the perforated wellbore casing also has a thick walled portion at 6a where the two wellbore casings are not overlapping, and a thin walled portion where the casings overlap (see Figs. 1-5 and col. 13, lines 46-73). It is also disclosed in the figures that. However, it is not expressly taught that a shoe is coupled to the bottom of the perforated wellbore casing.

Hunter et al teach a solid wellbore casing coupled to a perforated wellbore casing similar to that of Garcia. It is further taught that a shoe 16 is coupled to the bottom of the perforated wellbore casing 14 (see Fig. 1). It would have been obvious to one of ordinary skill in the art, having the teachings of Garcia and Hunter et al before him at the time the invention was made, to modify the perforated wellbore casing taught by Garcia to include the shoe of Hunter et al. One would have been motivated to make such a combination because float shoes are conventionally attached to the bottom tubular in a string for cementing purposes (see col. 4, lines 9-11 and 45-

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46), and Garcia's perforated wellbore casing is cemented in place before the perforations are made, therefore a conventional cementing float shoe would be necessary and useful.

***Allowable Subject Matter***

6. Claims 2, 8, 16, 17, 28-44, and 46-56 are allowed.
7. Claims 13-15 and 19-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments with respect to claims 6 and 12 have been considered but are moot in view of the new ground(s) of rejection.
9. Applicant's arguments, see page 38, filed September 18, 2006, with respect to rejections involving Lohbeck et al have been fully considered and are persuasive. The rejection of any claims involving Lohbeck et al has been withdrawn.

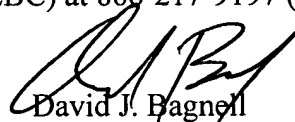
***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shane Bomar whose telephone number is 571-272-7026. The examiner can normally be reached on Monday - Thursday from 6:30am to 4:00pm. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David J. Bagnell  
Supervisory Patent Examiner  
Art Unit 3672

tsb



November 20, 2006